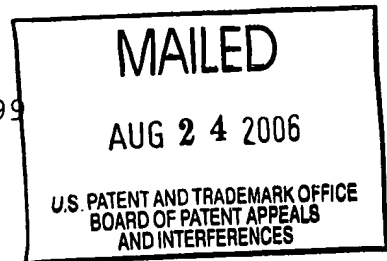UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

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<u>Ex parte</u> BALJEET SINGH BAWEJA, KULVIR SINGH BHOGAL, NIZAMUDEEN
ISHMAEL JR. and MANDEEP SINGH SIDHU

_____

Appeal No. 2006-1947
Application No. 09/589,79?

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ON BRIEF

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MAILED

AUG 2 4 2006

U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Before HAIRSTON, RUGGIERO and HOMERE, <u>Administrative Patent Judges</u>.

HAIRSTON, <u>Administrative Patent Judge</u>

<u>DECISION ON APPEAL</u>

This is an appeal from the final rejection of claims 1, 3 through 7, 9 through 12 and 14 through 17.

The disclosed invention relates to a method and system for distributing data processing transactions into a plurality of messages, and dynamically allocating each of the messages to different computers for performance. The distributed messages are stored in a queue, and the messages as well as the computer systems are interactively displayed.

Claim 7 is illustrative of the claimed invention, and it

reads as follows:

> 7.   A method for distributing data processing transactions into a plurality of messages and for dynamically allocating each of said messages to different computer systems for performance comprising:
>
> requesting the performance of a data processing transaction,
>
> distributing said transaction into a plurality of messages and allocating said messages to different computer systems,
>
> storing the plurality of messages from the distributed transaction in a queue, and
>
> interactively displaying said stored plurality of allocated messages and computer systems.

The references relied on by the examiner are:

Tobe et al. (Tobe)	5,778,224	July 7, 1998	
Gossler et al. (Gossler)	5,799,173	Aug. 25, 1998	
Kitagawa et al. (Kitagawa)	6,578,159	June 10, 2003	
		(filed Nov. 18, 1999)	

Claims 1, 3 through 7, 9 through 12 and 14 through 17 stand

rejected under 35 U.S.C. § 103(a) as being unpatentable over Tobe

in view of Kitagawa and Official Notice by referring to Gossler.

Reference is made to the briefs and the answer for the

respective positions of the appellants and the examiner.

OPINION

We have carefully considered the entire record before us,
and we will reverse the obviousness rejection of claims 1, 3
through 7, 9 through 12 and 14 through 17.

As indicated by the title and the abstract, Tobe is
concerned with distributing a plurality of transactions among a
plurality of computers for execution of the transactions. In an
aside, Tobe mentions that one transaction may be shared by a
plurality of processing nodes 1b to 1e (column 7, lines 55
through 59).

When an error occurs during the execution of a transaction
by a server in Kitagawa, a compensation process is executed in
parallel in accordance with a registered error recovery flow
(Figure 5A; Abstract; column 2, lines 4 through 13; column 8,
lines 43 through 53). In Kitagawa, the compensation process, as
opposed to the transaction, is executed in parallel.

Gossler describes dynamic workload balancing in a message
driven transaction system (Abstract; column 1, lines 7 though 17;
column 2, lines 50 and 51). A service unit 55 that includes a
service unit queue 57 is linked with a plurality of servers 60
through 68 for performing a data processing transaction (column
2, lines 51 through 58). The service unit 55 performs the
transaction by distributing service requests/messages to the
plurality of servers 60 through 68 (column 1, lines 12 through

3

16; column 2, lines 58 through 61; column 3, lines 34 through 37; column 7, lines 18 through 25). Gossler stores the plurality of messages from the distributed transaction in a queue (column 7, lines 21 and 22).

Appellants acknowledge that queues are known in the art, but argue that "Applicants' novel solution of storing all messages distributed and allocated by the server in a server queue which the user is enabled to display" is unknown in the art (brief, page 7; reply brief, pages 2 and 3).
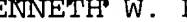
We agree with the appellants' argument. Although Gossler uses a queuing monitor 85 to monitor the activity of the workload balancing system (column 3, lines 11 through 20), none of the applied references teaches or would have suggested to one of ordinary skill in the art the displaying of the contents of the queue in Gossler. For this reason, the obviousness rejection of claims 1, 3 through 7, 9 through 12 and 14 through 17 is reversed.

DECISION

The decision of the examiner rejecting claims 1, 3 through 7, 9 through 12 and 14 through 17 under 35 U.S.C. § 103(a) is reversed.

REVERSED

KENNETH W. HAIRSTON
Administrative Patent Judge   )
)
)
)
)
)   BOARD OF PATENT
JOSEPH F. RUGGIERO   )   APPEALS
Administrative Patent Judge   )   AND
)   INTERFERENCES
)
)
JEAN R. HOMERE   )
Administrative Patent Judge   )

KH/gw

Appeal No. 2006-1947
Application No. 09/589,799

INTERNATIONAL BUSINESS MACHINES CORPORATION
INTELLECTUAL PROPERTY LAW DEPARTMENT
INTERNAL ZIP 4054
11400 BURNET ROAD
AUSTIN, TX 78758